IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1581 OF 2007
IN
SUIT NO.3540 OF 1995

Bank of Baroda ...Plaintiffs

Versus

Geeta Pragatikumar Kadakia & Ors. ...Defendants

Ms Sheetal Mistry for the Plaintiffs.

Shri H.H.Trivedi for the Defendants in support of Chamber Summons.

CORAM : ABHAY S.OKA, J.
DATED : SEPTEMBER 28th, 2007.

P.C.:

1. Heard learned counsel appearing for the Defendants in support of Chamber Summons. Heard learned counsel appearing for the Plaintiff.

2. By this Chamber Summons the Defendants seek to amend their written statement by addition of paragraph 18. The Defendants are seeking to carry out amendments in paragraph Nos.11 and 13 of the written statement for correcting minor errors. In so far as amendment to paragraph Nos.11 and 13 are concerned, it is obvious that amendment is necessary for correcting the inadvertent mistakes.

3. Turning to paragraph No.18 which is sought to be

added, the Defendants want to raise a contention that they have given Life Insurance Policies of total amount of Rs.2 lakhs to the Plaintiff which are not disclosed in the plaint. It is further alleged that National Saving Certificates of Rs.15,000/- were given to the Plaintiffs by the Defendants and the said fact is not disclosed in the plaint.

4. A proposed amendment is opposed by the learned counsel for the Plaintiff by pointing out that there is no material on record to show that Life Insurance Policies and National Saving Certificates were handed over to the Plaintiff.

5. At this stage, it is not necessary for the Defendants to produce the aforesaid facts. If amendment is allowed, the assertions which are incorporated in written statement will have to be proved by the Defendants. In my view, the amendment deserves to be allowed.

6. The Chamber Summons is accordingly made absolute in terms of prayer clause (a). Amendment to be carried out within a period of four weeks from today. The suit shall be set down for issues on 19th November, 2007.

JUDGE